



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM : D. MUSINGA, JA. (IN CHAMBERS))

CIVIL APPLICATION NO. NAI. 43 OF 2016 (UR 32/2016)

BETWEEN

MARIDADI FLOWER LIMITED.....APPLICANT

AND

HENRY ISAIAH ONJELO.....RESPONDENT

(Being an application for leave to file and serve the notice of appeal and memorandum of appeal out of time, from the judgment of the Employment and Labour Relations Court at Nakuru (Radido, J) delivered on 4th December, 2015

in

Employment and Labour Relations Cause No. 464 of 2014)

RULING

I have considered the application for extension of time that has been well argued by the applicant's learned counsel, Ms. Githongori. I am satisfied that the delay in filing the notice of appeal was not inordinate. The delay has been well explained. I have perused the draft memorandum of appeal at page 27 of the application. It is evident that the intended appeal is not frivolous.

Lastly, the respondent shall not suffer any prejudice if this application is granted since the decretal amount has already been paid to him. Consequently, I grant leave to the applicant to file the intended appeal out of time. The appeal should be filed and served within thirty (30) days from the date hereof.

As the respondent has neither attended court for today's hearing nor filed any replying affidavit, I make no orders as to the costs of the application.

Dated at Nairobi this 15th day of September, 2016.

D. MUSINGA

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JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR